

## **REMARKS**

The Applicants respectfully request reconsideration of this application in view of the above amendments and the following remarks.

### **Claim Rejection**

The Examiner has rejected claim 35 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Although Applicants believe that claim 35 is definite as written, claim 35 has been amended as suggested by the Examiner to overcome the rejection and expedite an early allowance.

### **35 U.S.C. §102(e) Rejection - Gast**

The Examiner has rejected claims 18, 22-29, 31-36, 38-40 and 42 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2003/0046532 issued to Gast (hereinafter "Gast").

Applicants respectfully submit herewith a declaration of prior invention pursuant to 37 C.F.R. Section 131 to overcome the rejection. The declaration establishes conception of the invention prior to the August 31, 2001 effective date of Gast coupled with due diligence from prior to the August 31, 2001 effective date of Gast to the filing of the present application on October 23, 2001. Accordingly, Applicants respectfully submit that the rejection be withdrawn.

### **35 U.S.C. §102(e) Rejection - Gast**

The Examiner has rejected claims 19, 20, 21, 30, 37 and 41 under 35 U.S.C. §102(e) as being anticipated by Gast.

As discussed above, Applicants respectfully submit herewith a declaration of prior invention pursuant to 37 C.F.R. Section 131 to overcome the rejection. Accordingly, Applicants respectfully submit that the rejection be withdrawn.

### **Conclusion**

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance. Applicants respectfully request that the rejections be withdrawn and the claims be allowed at the earliest possible date.

### **Request For Telephone Interview**

The Examiner is invited to call Brent E. Vecchia at (303) 740-1980 if there remains any issue with allowance of the case.

### **Request For An Extension Of Time**

The Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17 for such an extension.

### **Charge Our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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